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ABSTRACT

These Guidelines on open expression at the University of Pennsylvania include: (1) a statement of principles, expressing support for freedom of thought, inquiry, speech and lawful assembly, and for the need to ensure continuing openness and effectiveness of channels of communication; (2) a description of the newly created Committee on Open Expression, its composition, jurisdiction, and procedures; and (3) an outline of the standards that must obtain. These standards refer to the right of peaceful assembly regardless of the views expressed, meeting places, conduct of participants in demonstrations, rights of those not participating, punishment for those not observing the Guidelines, supervision of demonstrations, and their termination. A news release cataloguing the increasing role of students in University governance is attached. (AF)

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UNIVERSITY OF PENNSYLVANIA

Guidelines on Open Expression

(Draft approved by the University Council on April 9, 1969).

I. Principles

A. The University of Pennsylvania, as a community of scholars, affirms, supports, and cherishes the concepts of freedom of thought, inquiry, speech and lawful assembly. The freedom to experiment, to present and to examine alternative data and theories; the freedom to hear, to express, and to debate various views; and the freedom to voice criticism of existing practices and values are fundamental rights which must be upheld and practiced by the University in a free society.

B. Recognizing that the educational processes can include demonstrations and other forms of collective expression, the University affirms the right of individuals and groups to assemble and to demonstrate on campus within the limits of these Guidelines. The University also affirms the right of others to pursue their normal activities within the University and to be protected from physical injury or property damage.

C. The University should be vigilant to ensure the continuing openness and effectiveness of channels of communication among members of the University on questions of common interest. To further this purpose, a Committee on Open Expression is hereby established as a standing committee of the University Council. The Committee on Open Expression has as its major tasks: monitoring the communication processes to prevent conflicts that might emerge from failure of communication, recommending policies and procedures for improvement of all levels

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of communication, advising administrative officers where appropriate, and participating in evaluation and resolution of conflicts that may arise from incidents or disturbances on campus.

II. Committee on Open Expression

A. Composition

1. The Committee on Open Expression consists of twelve members: five students, five faculty members and two representatives of the administration.

2. Members of the Committee are appointed by the Steering Committee in the following manner:

a. Student members shall be nominated from undergraduate students, graduate students and graduate-professional students by a means arrived at by representative student groups. If the students are unable to agree upon such a procedure, and instead propose several different procedures, the Steering Committee shall make an interim choice between the student proposals. Students selected by an interim process shall serve only until their peers have established a permanent selection process.

b. Faculty members shall be nominated by the Senate Advisory Committee. The administration members shall be nominated by the President.

c. Each member shall be selected for one year. Any individual may not serve for more than two consecutive terms.

3. The Chairman of the Committee shall be selected by the Steering Committee from among the members of the Committee on Open Expression.

B. Jurisdiction - The Committee shall have competence to act in all issues and controversies involving open expression under these Guidelines. The Committee's functions include, but are not limited to, the following:

1. Giving advisory opinions interpreting the Guidelines at the request of an interested member of the University. If the Committee does not give a requested opinion, it should indicate its reasons for not doing so.

2. Reviewing administrative decisions taken under these Guidelines, without prior consultation with the Committee.

3. Issuing rules for interpreting or implementing the Guidelines. Before adopting a rule, the Committee should hold an open hearing on the text of the proposed rule and receive the views of interested individuals or groups. An affirmative vote of eight members is required for any such rule to be effective.

4. Recommending to the University Council any proposals to amend or repeal the Guidelines. An affirmative vote of seven members is required to make such recommendations.

5. Publishing an annual report to the Council and the University on the status of the Committee's work.

6. Advising administrative officials with responsibilities affecting freedom of expression and communication, including particularly the use of University facilities for meetings and the utilization of force to terminate a demonstration.

7. Mediating in situations that threaten to give rise to incidents that may possibly violate the Guidelines.

8. Evaluating and characterizing incidents that have occurred, both to determine whether the conduct of any group, considered as a whole, has violated the Guidelines, and to attempt to discover and remedy any failures in communication that may have caused or contributed to the incident. The Committee does not act as a disciplinary body to try charges against individual students and impose punishment, but its interpretation of the Guidelines shall be conclusive in any disciplinary proceeding that may ensue.

9. Adopting procedures for the functioning of the Committee, varied to suit its several functions, consistant with these Guidelines. Procedures that are not wholly matters of internal Committee practive shall be published in advance of implementation.

C. Procedures

1. Seven members of the Committee constitute a quorum. No member may participate in the consideration or decision of an issue in which he is or may become involved.

2. The Committee can authorize subcommittees, selected from its own members, to act for the Committee in any matter except the issuance of rules interpreting or implementing the Guidelines, or the making of recommendations to amend or repeal the Guidelines.

III. Standards

A. The right of individuals and groups peaceably to assemble and to demonstrate shall not be infringed.

B. The substance or the nature of the views expressed is not an appropriate basis for any restriction upon or encouragement of an assembly or a demonstration.

C. The University should permit members of the University, upon suitable request, to use any available facility or meeting room for purposes of open or private discussion.

1. The responsibility for determination of the policies and procedures for assigning University facilities should be lodged specifically in the office of the President or his delegates.

2. The Committee on Open Expression should be consulted in the determination of the substance of the policies and procedures and the manner of their publication to the University.

3. Specific attention should be given in the policies and procedures to the groups of organizations, other than recognized student, faculty or administration organizations, entitled to request use of University facilities.

4. Before a request of a University group to use any facility is rejected, for reasons other than the prior commitment of the facility or the like, the President or his delegate should consult with the Committee on Open Expression to obtain the advice and recommendation of that body.

D. Groups or individuals, including faculty, students, administrators, and other University personnel, planning or participating in demonstrations should restrain their activities in accordance with the following standards:

1. Conduct that causes injury to persons or damage to property, or which threatens to cause such injury or damage, is impermissible.

a. Demonstrations should not be held inside laboratories, museums, computer facilities, libraries, or the like, because of the risk of loss, damage or destruction of rare or irreplaceable documents, collections or equipment.

b. Demonstrations should not be held in places where a significant hazard of fire or building collapse or falling objects is presented.

c. Demonstrations should not interfere with the operation of hospitals, emergency facilities, communication systems, utilities, etc.

2. Demonstrations should be conducted in a manner that keeps within reasonable bounds any interference with or disturbance of the activities of other persons. The reasonableness of conduct may be determined by such factors as the time and place of the demonstration and the general tenor of conduct.

a. Demonstrations should not be held inside libraries or private offices, or inside classroooms or seminar rooms in which meetings or classes are being held or are immediately scheduled.

b. Demonstrations should not interfere with free and unimpeded movement in and out of buildings and rooms and through all passageways. This will generally be satisfied if at least one-half of each entrance, exit, or passageway if free from obstruction of any kind.

c. Noise level is not of itself a sufficient ground for making a demonstration improper, but may possibly, in particular circumstances, interfere and disrupt the activities of others in an impermissible way.

3. The refusal of persons participating in a demonstration to follow the instructions of the Vice-Provost for Student Affairs or his delegate to modify or terminate the demonstration is a violation of these Guidelines. The Committee on Open Expression plays a vital role in such situations, either in an advisory capacity or in immediately reviewing the instructions.

4. When the Vice-Provost for Student Affairs or his delegate considers that an individual or a group has violated the Guidelines, he may request to examine their matriculation cards or other University identification. Failure to comply with this request is a violation of the Guidelines.

E. Supervision of demonstrations, where necessary, is the task of the Vice-Provost for Student Affairs and his assistants.

1. In carrying out this responsibility, the Vice-Provost obtains the advice and recommendation of the Committee on Open Expression whenever feasible, but it is recognized that he is the responsible administrative official who may have to act in emergency situations without prior consultation.

2. All members of the University are expected to comply with the instructions of the Vice-Provost or his delegate at the scene of a demonstration which he finds violative of the Guidelines, the fire laws and other laws, ordinances or regulations relating to occupancy of the University's buildings. Such compliance is a defense to any disciplinary proceedings under these Guidelines for the immediate conduct to which the instructions are responsive, unless the violators are found to have

caused or consciously threatened injury to persons or damage to property or to have demonstrated wilfully in a protected area, as defined in D1 and D2 above.

3. Terminating a demonstration by force is a most serious step. It is frequently a mistake to terminate a demonstration by force, as this may exacerbate existing tensions and lead to personal injury and property damage.

a. Avoidance of injury to persons by the continuation of the demonstration is a key factor in determining whether it should be forcibly terminated. Property damage and significant interference with educational processes are also factors to be considered, and may be of sufficient magnitude to warrant forcible termination.

b. Whenever possible, the Vice-Provost should consult with the Committee on Open Expression before seeking a court injunction against the demonstrators or calling for police action.

c. The Vice-Provost or his delegate should attempt to inform demonstrators that he intends to seek an injunction or call for police intervention before he does so.

d. When a demonstration is forcibly terminated, a full statement of the circumstances leading to the event should be published by the Vice-Provost within the University.

e. Attendance at demonstrations of unarmed campus police is a normal and useful aid to the Vice-Provost and his assistants.

NEWS

UNIVERSITY of PENNSYLVANIA
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"Backgrounder"

STUDENT ROLE IN UNIVERSITY GOVERNANCE

Increased student participation in governance of the University is reflected in the new student membership on the University Council and in student participation in the work of the Task Force on Governance. Students are also members of the new Commission on University-Community Development and have served on the Search Committee for the new President of the University.

The "task force" was established by the Trustees on recommendation of President Harnwell in October, 1968 to "look at present forms of University governance, and recommend such changes as may best enable us to face the future as a single community of learning."

It is divided into four subcommittees dealing with legislative function; administrative function; Trustees; and decentralization, and will make its first report in early spring.

The movement for greater participation at the University began in 1965 with the formation of SCUE, Student Committee on Undergraduate Education, by the former Men's Student Government.

That May SCUE published a 42-page report which called for drastic academic reform "not only to stimulate change, but to stimulate desperately needed dialogue between administration and students."

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As a result of the report, partial "pass-fail" grading, and the concept of the "individualized major," whereby a student can major in a cross-disciplinary program designed with faculty approval were instituted.

Since then, student participation in University affairs has expanded beyond the area of academic policy.

Five students worked with 12 faculty and Trustees on the "Search Committee to Advise the Trustees on the Selection of a University President," to succeed President Harnwell who is planning to retire in September.

Students have aided in the selection of a new athletic director, and a Dean for the College of Arts and Sciences.

Another significant development of student participation came in February 1969, when eight undergraduates were named consultants to the Committee on Undergraduate Affairs of the University Council the principal advisory body to the President, on policies concerning the educational objectives of the University. Thirty students are now voting members of the University Council, to supplement the existing membership of 85 deans, directors and faculty members. An election for the 16 graduate student members was held in May 1969 among students of the respective graduate and professional schools. The 14 undergraduate members were chosen by their fellow students in a September 1969 election.

Five students are currently working with Trustees, faculty and community leaders from West Philadelphia as members of the new

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Quadripartite Commission on University-Community Development established in February, 1969, as a result of the College Hall sit-in. The Quadripartite Commission was established by the Executive Board of the Trustees to coordinate community and University development and to act as a mechanism for securing community consent to development plans. Its rank is equal to that of the University Council.

A major project on which the Commission is working is the development of means to facilitate construction of low-cost housing for residents of the Unit III urban renewal area (the area bounded roughly by 34th Street, 40th Street, Chestnut Street, and Lancaster and Powelton Avenues). Among people to be served by such housing would be residents displaced by the expansion of institutional developers in Unit III including University City Science Center, Presbyterian Hospital, and the University City High School.

Students served on a committee which examined the alternatives of action concerning establishment of a black students' center on campus. The center opened in September and is operated by a non-profit corporation formed by black students at the University and leaders of the black community. The corporation is renting its building from the University.

It seems certain that the trend for greater student involvement in decision-making will continue. In a recent Parents' Weekend panel discussion, Provost Goddard said, "Students are playing an increasingly important part in University governance. We can gain a great deal from their contributions."

Prepared March 23, 1970/TJD